

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

AUTOVOCITY TRANSPORT, LLC

Debtor

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CASE NO. 22-33814

CHAPTER 11

MOTION FOR APPROVAL OF POST-PETITION MONTHLY RETAINER PAYMENTS

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW AutoVocity Transport, LLC (the “Debtor”), and files this Motion for Approval of Post-Petition Monthly Retainer Payments and establishing procedures for these post-petition monthly retainer deposits. In support thereof, the Debtor respectfully represent as follows:

I. Jurisdiction, Venue and Background

1. This Court has jurisdiction to consider the motion pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicates for the relief requested herein are Sections 327 and 328 of the Bankruptcy Code, Rule 2014 of the Federal Rules of Bankruptcy Procedure (“Bankruptcy Rules”) and Local Rule 2014 and 2016 of the Local Court Rules of the United States Bankruptcy Court for the Southern District of Texas.

Background

3. On December 22, 2022 ("Petition Date"), the Debtor filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101-1532 ("Bankruptcy Code").

4. The Debtor continues to manage and operate its transportation business as Debtor-In-Possession pursuant to §§1107 and 1108 of the Bankruptcy Code. No creditors' committee has been appointed in this case by the United States Trustee.

5. By this Motion, Debtor respectfully requests the entry of an order, pursuant to Sections 105(a) and 331 of the Bankruptcy Code and Bankruptcy Rules 2014 and 2016, establishing procedures for post-petition payments of professionals and deposits of post-petition monthly payments into the firm's IOLTA trust account. These funds can only be applied for through and approved by the Court.

6. Debtor has already sought to engage a professional in this case in the capacity of Debtor's Counsel, The Lane Law Firm, PLLC (Docket No. 9), seeking approval, under Section 327 of the Bankruptcy Code, to engage the firm to assist the Debtor.

7. The Debtor requests that the Court allow it to deposit \$5,000.00 per month into The Lane Law Firm, PLLC's IOLTA Trust Account until this case is administratively closed, for future post-petition legal fees of Debtor's counsel, which would be subject to Court approval through fee applications. The funds for The Lane Law firm, PLLC would be deposited for its future post-petition legal fees into its the IOLTA Trust Account and would be subject to Court approval.

8. Debtor is requesting this motion for the Court to approve the monthly post-petition deposits pursuant to the terms of the Retainer Agreement. These monthly deposits do not in any way put a financial strain on the current operations of the business. This motion is to help minimize impact of any temporary or final fee applications filed in this case so that Debtor has these funds already set aside in the firm's IOLTA Trust account and would not be required to pay these fees and expenses upon the entry of a Court order.

II. Prayer

WHEREFORE, Debtor hereby requests that this Court enter an order that allows the Debtor to deposit post-petition monthly payments into The Lane Law Firm, PLLC's IOLTA Trust Account and for such other and further relief as the Debtor may show itself justly entitled.

Respectfully submitted,

THE LANE LAW FIRM, PLLC

/s/Robert C. Lane

Robert C. Lane

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PROPOSED COUNSEL FOR DEBTOR

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Motion for Approval of Post-Petition Monthly Deposits was served to the parties listed below and to the parties on the attached mailing matrix either via e-mail, electronic notice by the court's ECF noticing system, or by first-class mail pre-paid postage on January 4, 2023:

Debtor:

Autovocity Transport, LLC
2925 Richmond Ave, Ste 1200
Houston, TX 77098

US Trustee:

Office of The United States Trustee
515 Rusk Street, Suite 3516
Houston, TX 77002

Notice will be electronically mailed to:

Jeannie Lee Andresen on behalf of Creditor Harris County
houston_bankruptcy@lgbs.com, chymel@dorelaw.com

Alicia Lenae Barcomb on behalf of U.S. Trustee US Trustee
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Chad Wesley Cowan on behalf of Creditor SBA
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Jarrod B Martin
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US Trustee
USTPRegion07.HU.ECF@USDOJ.GOV

/s/ Robert C. Lane
Robert C. Lane

Label Matrix for local noticing 0541-4 Case 22-33814 Southern District of Texas Houston Wed Jan 4 16:06:47 CST 2023 4 United States Bankruptcy Court PO Box 61010 Houston, TX 77208-1010	AutoVocity Transport, LLC 2925 Richmond Ave. Suite 1200 Houston, TX 77098-3143 G&G Funding 57 West 57th Street 4th Floor New York, NY 10019-2827 Rafael Dominguez, Jr 419 E. 24th Houston, TX 77008-2348 Simply Funding LLC 45 Broadway Suite 2450 New York, NY 10006-3760 U.S. Small Business Administration 1545 Hawkins Blvd 202 El Paso, TX 79925-2654 Vivian Capital Group 486 Market St Newark, NJ 07105-2916	Harris County Linebarger Goggan Blair & Sampson LLP C/O Jeannie Lee Andresen P.O. Box 3064 Houston, Tx 77253-3064 Internal Revenue Service P.O. Box 7346 Philadelphia, PA 19101-7346 Regus Management Group LLC 15305 North Dallas Parkway 400 Addison, TX 75001-6922 Texas Workforce Commission PO BOX 12548, MC-008 Austin, TX 78711-2548 US Trustee Office of the US Trustee 515 Rusk Ave Ste 3516 Houston, TX 77002-2604 Jarrod B Martin Chamberlain Hrdlicka 1200 Smith Street Suite 1400 Houston, TX 77002-4496
Novus Capital Funding 7 Elmwood Drive Suite 301 New City, NY 10956-5144		
Samson MCA LLC 17 State Street 6th Floor New York, NY 10004-1501		
The Lane Law Firm 6200 Savoy Dr Ste 1150 Houston, TX 77036-3369		
Vault Capital 506 2nd Ave Unit 2200 Seattle, WA 98104-2359		
Robert Chamless Lane The Lane Law Firm 6200 Savoy Drive Ste 1150 Houston, TX 77036-3369		

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) SBA	(d) AutoVocity Transport, LLC 2925 Richmond Ave. Suite 1200 Houston, TX 77098-3143	End of Label Matrix Mailable recipients 18 Bypassed recipients 2 Total 20
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